

GOVERNMENT OF TELANGANA
ABSTRACT

Revenue (Endowments Department) - Sri Ramachandra Swamy Temple, (Sangam Mutt), Langer House, Hyderabad – Recognition of Sri Rahul Das as successor Mathadhipathi – Orders – Issued.

REVENUE (ENDOWMENT-II) DEPARTMENT

G.O.Rt.No. 374

Dated: 25-08-2018
Read the following :

1. From the C.E.D Lr. No.F1/52077/2009-1, dated 29.05.2018
2. Orders of Hon'ble High Court Dt:19.4.2018 in I.A No.1 of 2018 in W.P No.7731 of 2018 & W.A No.685/2018 Dt:4.6.2018.
3. Govt Memo.No 13046/Endt.II(A1)/2018 Dt: 22.06.2018.
4. Written Arguments Dt:26.6.2018 submitted by Sri Kamleshdas Maharaj
5. Written Arguments Dt:30.6.2018 submitted by Sri Rahul Das through his Advocate.

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ORDER:

1. The Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and State of Andhra Pradesh passed the following order dated: 19-04-2018 in I.A. No. 1 of 2018 in W.P. No. 7731 of 2018.

"Counsel for the petitioner as well as respondent No.6 accept that the petitioner shall do religious rites at the Ram Chandra Devasthanam Sangam Mutt during morning hours upto 12.00 noon and that respondent No.6 will do religious rites in the said mutt after 12.00 noon everyday till the issue as to which of them is entitled to be an Uttaradhikari or successor to the earlier incumbent, Mathadipathi under Section 54 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (the Act), is decided by the competent authority.

Learned Government Pleader for Endowments assures that the competent authority, under Section 54 of the Act, would decide this issue within one month from today, strictly, in accordance with law, uninfluenced by the order passed today. It is made clear that this Court has not expressed any opinion on the rival claims of the petitioner and respondent No.6 on the said issue".

2. Writ Appeal No.685 of 2018 filed against the above order was dismissed by the Hon'ble High Court while recording the submission and assurance of the Government Pleader that the Competent Authority would pass an order within two weeks.

3. Section 54 of the Telangana Charitable and Hindu Religious Institutions & Endowments Act, 1987, herein after called 'the Act', reads as under;

Nomination of Mathadipathi:- (1) Subject to the provisions of Section 53, a mathadhipathi may nominate his successor. The fact of such nomination shall be intimated to the Dharmika Parishad, within ninety days of such nomination and the Dharmika Parishad may recognise such nomination. A nomination shall not be complete unless it is recognised by the Dharmika Parishad. The conditions for recognition shall be such as may be prescribed.

(2) Where a Mathadhipathi fails to nominate his successor under sub-section (1) or where there is no mathadhipathi, the Dharmika Parishad or any officer authorised by it shall after due publication convene a meeting with the mathadhipathis of other maths of the same sampradayam and the disciples of the math and recognise the person nominated in such meetings as mathadipathi subject to the provisions of this Act. The procedure for convening the meeting and method of publication shall be such as may be prescribed.

4. The Telangana Dharmika Parishad is not constituted at present. Consequently, Government have been exercising the various duties and functions assigned to the Dharmika Parishad under the Act, so as to implement the provisions of the Act. Accordingly and in view of the orders passed by the Hon'ble High Court, notices were issued, vide reference 3rd read above, to Mahanth Rahul Das Baba and Sri Kamalesh Das Ji, the rival claimants to successor Mathadipathi of Sri Ram Chandra Swami Devasthanam Math (Sangam Math), Langerhouse. The rival claimants submitted their respective cases in person and through their legal counsel on 26-06-2018 and also filed written arguments on 30-06-2018.

5. The brief facts of the case are as follows. Sri Ramachandra Swami Temple (Sangam Math), Langerhouse, Hyderabad is published under Section 6 (d) of the Act and also registered under Section 43 of the Act. The day to day affairs of the Math are presently being managed by the Fit Person appointed under the Act. The Math has two sub Temples at Shamshabad, which are also registered and published under the Act with substantial landed properties. Mahanth Ram Ratan Das, the original Mahanth of the Math died on 23-11-1996. After him Mahanth Bharath Das succeeded him and he passed away on 23-06-1998. After him Mahanth Balveer Das succeeded as Mahanth of the above Math, which was recognised by the competent authority. Mahanth Balveer Das passed away on 04-10-2017.

6. During his tenure, Mahanth Balveer Das initially nominated Sri Kamalesh Das as the Uttaradhihari of the subject Math on 11-12-2002. The said nomination, however, admittedly, is not recognised by the competent authority under Section 54 of the Act.

7. Subsequent to the initial appointment of Sri Kamalesh Das as Uttaradhikari on 11-12-2002, there appear to have developed certain differences between Mahanth Balveer Das and Sri Kamalesh Das in regard to affairs of the Math and there were complaints and counter complaints to authorities by them. Mahanth Balveer Das, as a result, has also issued notification in a news paper, *Hindi Milap*, dated.15-07-2004 disowning Sri Kamalesh Das and notifying his removal from the Math.

8. While so, certain charges were framed against Mahanth Balveer Das in regard to unauthorized alienations of the Institution lands, failure to follow the provisions of Endowments Act as regards submission of assessment report, budget etc., for several years and he was placed under suspension by the Commissioner, Endowments, vide RC.No.DP1/52077/2009, dated.17-05-2013. Aggrieved by the same, Mahanth Balveer Das filed WP.No.7159 of 2014 and the Hon'ble High Court by its order dated.13-04-2015 in WP.MP.No.9544 of 2015 in the said Writ Petition suspended the above order of the Commissioner, Endowments dated.17-05-2013 for a period of two weeks, which was further extended by order dated.08-07-2015 until further orders.

9. Meanwhile, Sri Kamalesh Das represented to the Commissioner, Endowments to handover charge of the subject Math to him on the ground that Sri Mahanth Balveer Das has been placed under suspension. The Commissioner, Endowments, vide R.C.No.DP1/52077/2009, dated.06-03-2014 rejected the said request observing that the vacancy arose due to suspension, which is a temporary vacancy, and Sri Kamalesh Das was not yet recognised as Uttharathikari. Thereafter, Sri Kamalesh Das filed WP.No.38744 of 2014 and by order dated.04-03-2015 in WP.MP.No.48523 of 2014 therein interim direction was given to the Government to permit him to function as Uttaradikari of the subject Math till final order is passed against Mahanth Balveer Das. However, the Hon'ble High Court by a common order dated.13-04-2015 in WP.MP.NO.9544 of 2015 in WP.No.7159 of 2014 filed by Mahanth Balveer Das and the above WP.MP.No.48523 of 2014 in WP.No.38744 of 2014 filed by Sri Kamalesh Das suspended the order of the Commissioner, Endowments dated.17-05-2013 placing Sri Mahanth Balveer Das under suspension, as already noted supra. Subsequently, the Hon'ble High Court dismissed both WP.No.7159 of 2014 and WP.No.38744 of 2014 observing that the cause in the writ petitions does not survive for adjudication as Mahanth Balveer Das passed away.

10. Meanwhile, Mahanth Balveer Das appointed Rahul Das as Uttaradhikari of the subject Math on 21-02-2016 and intimated the same to the Commissioner, Endowments and Assistant Commissioner, Endowments, Hyderabad with a request to appoint Sri Rahul Das as Uttaradhikari and as Peetadhipathi of the subject Math after his demise. This induction of Sri Rahul Das has, apparently, lead Sri Kamalesh Das to file the above WP.No.7731 of 2018 and the orders therein as noted supra.

11. The contention of Sri Kamalesh Das is that he was appointed as Uttaradhikari of the subject Math on 11-02-2002 in formal ceremony as per customs by Mahanth Balveer Das and the Haratiya Shast Darshan Santh Samaj has issued a certificate to

that effect in his favour. As he found Late Mahanth Balveer Das acting adverse to the interest of the Math he filed OA No.6/2007 for removal of Sri Balveer Das and the Commissioner, Endowments placed him under suspension by order dated.17-05-2013. He further contended that he has been acting as Uttaradhikari of the Math ever since his appointment in the year 2002 and he has taken action to protect properties of the Math by filing various Court Cases. His further and prime contention is that late Mahanth Balveer Das could not have legally appointed another Uttaradhikari as he himself was under suspension and hence Sri Rahul Das cannot be recognised as Uttaradhikari of the Math.

12. It is submitted on behalf of Sri Rahul Das that Sri Kamalesh Das violated the very conditions of his appointment as Uttaradhikari by acting adverse to the interest and honour of Mahanth Balveer Das and as such he was removed from the Math for his misbehaviour. Further, the representations of Sri Kamalesh Das seeking charge of Math were rejected by the Commissioner Endowments on the ground that his appointment as Uttaradhikari was not recognised by the competent authority. Even the interim order of the Hon'ble High Court in WP.No.38744 of 2014 in favour of Sri Kamalesh Das was merged and became infructuous by virtue of further orders passed by the Hon'ble High Court in WP.No.7159 of 2014 wherein the suspension of Mahanth Balveer Das was suspended and Mahanth Balveer Das continued as Mattadhipathi. It is also argued that the Sri Kamalesh Das never treated himself as Chela of Late Balveer Das. While so, Sri Rahul Das, has submitted, that he was deputed by Akhada Ayodhya for services of the Math and having regard to his discipline and seniority late Mahanth Balveer Das appointed him as Uttaradhikari. The related *Doshala* ceremony as per rituals of *Digambar Akhada Sampradaya* of Raghava Das Math happened in the presence of the important people of Ani Akhada and Sri Vaishnavi Santh Samaj, Hyderabad, as certified by the Vaishnavi Santh Samaj on 07-10-2016. This was also brought to the notice of the department on 18-11-2016. It is finally contended that ever since then Sri Rahul Das is acting like Mattadhipathi and managing affairs of the Math. Hence, the claim of Sri Kamalesh Das may be rejected.

13. As evident from the facts noticed above, sub-section (1) of section 54 of the Act would apply to the case. Sub section (1) of Section 54 provides that subject to the provisions of Section 53, a Matadhipathy may nominate his successor and such nomination shall not be complete unless it is recognised by the Dharmika Parishad and the conditions for recognition shall be such as may be prescribed. Section 53 of the Act, among others, provides that a person for succession to the office of the Matadhipathy shall possess the following qualifications.

- (a) basic knowledge of the Hindu Religion and Philosophy;
- (b) knowledge of the relevant scriptures and sampradaya to which the math belongs;
- (c) capacity to impart the knowledge and preach the tenets of the math to the disciples;
- (d) religious temperament with implicit faith in discipline and practice; and
- (e) unquestionable moral character

14. Rule 3(2) of the Telangana Charitable and Hindu Religious Institutions and Endowment Administration of Math rules 1997 provides that while recognising the successor nominated by the Matadhipathy, certain further conditions like willingness of the successor, mental and physical fitness etc. are to be satisfied. Rules 4 to 6 of the said Rules specify that a person convicted and sentenced to imprisonment by Criminal Court for moral turpitude or bound over for peace and good behaviour, a person declared or who has applied for declaration as an insolvent, a person found guilty of breach of trust or misappropriation, shall not be recognised to hold the office of the Matadhipathy.

15. In the instant case, it is seen from the facts noticed above that the appointment of Sri Kamalesh Das as successor initially made by late Mahanth Balveer Das was not recognised by the competent authority under section 54 of the Act. Consequently, the efforts of the Sri Kamalesh Das to gain hold of the Math also did not succeed, except in an interim order of the Hon'ble High Court in-force for a brief period as noted supra. In the event, there is nothing in the Act or Rules that disables the Matadhipathy from nominating another successor. As seen from material papers filed by Sri Rahul Das, his appointment as successor appears to have been made by late Mahanth Balveerdas, following the customs and usages. The contention that late Mahanth Balveer Das was under suspension and hence could not have nominated a successor is not tenable as the said suspension was itself suspended by the Hon'ble High Court, as noted supra. The next question would be whether Sri Rahul Das, whose nomination as successor was intimated, suffers from any of the disqualification mentioned in section 53 of the Act and the related rules cited above. No such disqualifications are cited or brought to the notice of the Government.

16. Accordingly, the Government, after careful consideration as above, recognise the nomination of Sri Rahul Das as successor Matadhipathy of Sri Ramachandra Swamy Temple (Sangham Math) Langerhouse, as per the intimation given by late Mahanth Balveer Das, vide his letter dated 18.11.2016, in terms of the provisions contained in Section 54 of the Act.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

N.SIVA SANKAR
PRINCIPAL SECRETARY TO GOVERNMENT

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SC/SF

//FORWARDED BY ORDER//

SECTION OFFICER